

REMARKS

Reconsideration is requested.

Claims 1-69, 74, 75, 79, 82, 91, 93, 95, 100 and 103, have been canceled, without prejudice.

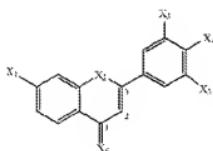
Claims 70-73, 76, 78, 80, 81, 83-90, 92, 94, 96-99, 101, 102 and 104-106 are pending. Claims 71-73, 76, 81, 83, 84, 88-90, 94, 98 and 104-106 have been withdrawn from consideration.

Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

The applicants note that copending application no. 11/493,040, issued as U.S. Patent No. 7,566,737 on July 28, 2009. The following claims issued in the patent:

The invention claimed is:

1. A pharmaceutical composition comprising, in a pharmaceutically acceptable support, at least one compound represented by formula (I) in association with another therapeutically active ingredient, wherein said compound is a 30 substituted 1,3-diphenylprop-2-en-1-one derivative represented by formula (I) below:



- (I) 55
- in which:  
X1 represents a halogen or a -R1 group or a group corresponding to the following formula: -G1-R1.  
X2 represents a hydrogen atom or a thiouridino group or a hydroxy group or an alkylcarboxyloxy or an unsubstituted alkoxycarbonyl group or a thio group or an alkylthio group or an alkylcarboxythio group, X2 can also represent an oxygen or sulfur atom bound to carbon 3 of the propene chain, so as to form a derivative of the type 2-phenyl-4H-1-benzothiopyran-4-one or of the type 2-phenyl-4H-1-benzothiopyran-4-one,  
X3 represents a -R3 group or a group corresponding to the following formula: -G3-R3,  
X4 represents a halogen or a thiouridino group or a -R4 group or a group corresponding to the following formula: -G4-R4,  
X5 represents a -R5 group or a group corresponding to the following formula: -G5-R5,  
65 X6 is an oxygen atom or a nitrogen atom, in the case where X6 is a nitrogen atom, it carries a hydrogen atom or a hydroxy group or an alkoxycarbonyl group.

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- R1, R3, R4, R5, which are the same or different, represent a hydrogen atom or an alkyl group substituted or not by a substituent selected from group 1 or group 2 defined hereinabove;

G1, G3, G4, G5, which are the same or different, represent an oxygen atom or a sulfur atom,

with at least one of the groups X1, X3, X4 or X5 corresponding to the formula -G<sub>1</sub>-R<sub>3</sub> and

with at least one of the groups R1, R3, R4 or R5 present in the form of an alkyl group containing at least one substituent of group 1 or 2, said alkyl group being bound directly to the ring or being associated with a group G according to the formula -G<sub>1</sub>-R<sub>3</sub>,

the substituents of group 1 are selected in the group consisting of carboxy groups corresponding to the formulae:

-COOR<sub>6</sub> and carbamoyl groups corresponding to the formulae: -CONHR<sub>7</sub>,

the substituents of group 2 are selected in the group consisting of sulfonic acid (-SO<sub>3</sub>H) and sulphonimide groups corresponding to the formulae: -SO<sub>2</sub>NR<sub>8</sub>R<sub>9</sub>, with R<sub>8</sub> and R<sub>9</sub>, which are the same or different, representing a hydrogen atom or an alkyl group possibly substituted by at least one group of the type of 1 or 2,

the optical and geometric isomers, enantiomers, tautomers, salts, and mixtures thereof;

2. The composition according to claim 1, wherein compounds are of formula (I) with the exception of compounds represented by formula (II) in which

X1, X2, X3 and X5 each represent a hydrogen atom, X6 represents an oxygen atom and X4 represents a group corresponding to the formula -O—CR<sub>10</sub>—R<sub>11</sub>—COOR<sub>12</sub> where R<sub>8</sub> and R<sub>9</sub>, which are the same or different, represent a C1 to C2 alkyl group, and R<sub>10</sub> represents a hydrogen atom or a C1 to C7 alkyl group, and

X2, X3 and X5 each represent a hydrogen atom, X1 represents a hydrogen atom or a R<sub>1</sub> or -G1-R1 group, where R1 represents an unsubstituted C1-C2 alkyl group and G1 represents an oxygen atom, X6 represents an oxygen atom and X4 represents a group corresponding to the formula -O—CR<sub>13</sub>—R<sub>14</sub>—COOR<sub>15</sub> where R<sub>13</sub> and R<sub>14</sub>, which are the same or different, represent a hydrogen atom or a C1 to C2 alkyl group, and R<sub>15</sub> represents a hydrogen atom or a C1 to C7 alkyl group, and

X2 represents a hydrogen atom and X1 represents -G1-R1 where G1 represents an oxygen atom and R1 represents CH<sub>3</sub>COOL.

3. The pharmaceutical composition according to claim 1, wherein the other therapeutically active ingredient is selected in the group consisting of antidiabetics, insulin, lipid-lowering and/or cholesterol-lowering molecules, anti-hypertension agents and hypotensive agents, anti-platelet agents, anti-obesity agents, anti-inflammatories, anti-oxidants, agents used in the treatment of cardiac insufficiency, agents used for the treatment of coronary insufficiency, anti-neoplastic agents, anti-ulceratives, corticoids, vasodilators and/or anti-ischemic agents.

4. The pharmaceutical composition according to claim 3, wherein the other therapeutically active ingredient is selected in the group consisting of:

The P2A/P2Y agonist rosiglitazone

The angiotensin II receptor antagonist losartan

The cholesterol absorption inhibitor ezetimibe

The HmCoA inhibitor simvastatin

Enfibrate.

5. The composition according to claim 1 wherein compound of formula (I) is selected in the group consisting of:

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6. The composition according to claim 1 wherein compound of formula (I) is selected in the group consisting of:  
 1-[4-methylphenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-2-en-1-one;  
 1-[4-bromo-phenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-2-en-1-one.

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- 1-[4-iodophenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonylmethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-iodophenyl]-3-[3,5-dimethyl-4-carboxydimethyl]oxyphephenyl[prop-2-en-1-one,  
 1-[4-fluorophenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-fluorophenyl]-3-[3,5-dimethyl-4-carboxydimethyl]methyloxyphephenyl[prop-2-en-1-one,  
 1-[4-nonyloxyphenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-nonyloxyphenyl]-3-[3,5-dimethyl-4-carboxydimethyl]methyloxyphephenyl[prop-2-en-1-one,  
 1-[4-propoxyphenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-propoxyphenyl]-3-[3,5-dimethyl-4-carboxydimethyl]methyloxyphephenyl[prop-2-en-1-one,  
 1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonylmethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-carboxydimethyl]oxyphephenyl[prop-2-en-1-one,  
 1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonylmethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-carboxydimethyl]oxyphephenyl[prop-2-en-1-one,  
 1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonylmethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-carboxydimethyl]oxyphephenyl[prop-2-en-1-one,  
 1-[4-(2-bromoethyl)oxyphephenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-octadecyloxyphenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,

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- 1-[4-octadecyloxyphenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-dodecyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-dodecyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-dodecyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-methoxyphenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-methoxyphenyl]-3-[3,5-dimethyl-4-carboxydimethyl]methyloxyphephenyl[prop-2-en-1-one,  
 1-[2-hexyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[2-hexyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-betylthiophenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-betylthiophenyl]-3-[3,5-dimethyl-4-carboxydimethyl]methyloxyphephenyl[prop-2-en-1-one,  
 1-[4-betylthiophenyl]-3-[3,5-dimethyl-4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[prop-2-en-1-one,  
 1-[4-betylthiophenyl]-3-[3,5-dimethyl-4-carboxydimethyl]methyloxyphephenyl[prop-2-en-1-one,  
 1-[4-tertiobutyl]oxycarbonyldimethylmethyloxyphephenyl[3-[3,5-dimethyl-4-hydroxyphenyl]prop-2-en-1-one,  
 1-[4-carboxydimethylmethyloxyphephenyl]-3-[3,5-dimethyl-4-hydroxyphenyl]prop-2-en-1-one.

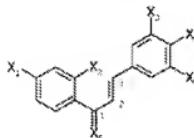
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The applicants further note that claims of the copending application no.

10/520,078 have been allowed July 30, 2009. The following is a listing of the applicants amended claims submitted May 19, 2009, which have been allowed with the additional Examiner's amendment to cancel claims 65 and 68 and to revise line 2 of claim 69 to insert "in need thereof, an effective amount of, between "subject" and "a" (see Examiner's Amendment of July 30, 2009):

Claims 1-37. (Canceled)

38. (Currently Amended) A pharmaceutical composition, comprising one or more  
in a pharmaceutically acceptable excipients or vehicles and support, at least one  
substituted 1,3-diphenylprop-2-en-1-one derivative represented by formula (I) below :



(I)

wherein :

X1 represents a halogen or a -R1 group or a group corresponding to the  
following formula : -G1-R1,

X2 represents a hydrogen atom or a hydroxy group or an unsubstituted alkoxyl  
group or a thiol group or an alkylthio group,

X3 represents a -R3 group or a group corresponding to the following formula :  
G3-R3,

X4 represents a halogen or a -R4 group or a group corresponding to the  
following formula : -G4-R4,

X5 represents a -R5 group or a group corresponding to the following formula :  
G5-R5,

X6 is an oxygen atom or a nitrogen atom, in the case where X6 is a nitrogen atom, it carries a hydrogen atom or a hydroxy group or an alkoxy group,

R1, R3, [[R4, ]]R5, which are the same or different, represent a hydrogen atom or an unsubstituted alkyl group having from one to seven carbon atoms substituted or not by a substituent which is part of group 1 or group 2 defined hereinbelow,

G1, [[G3, ]]G4, [[G5, ]] which are the same or different, represent an oxygen or sulfur atom,

with at least one of the groups X1, X3, X4 or X5 corresponding to the formula -G-R in which G is a sulfur atom, and

with at least one of the groups R1, R3, R4 or R5 represents in the form of an alkyl group having from one to seven carbon atoms containing at least one substituent from group 1 or 2,

the substituents from group 1 are selected in the group consisting of carboxy groups having the formula: -COOR<sub>5</sub> and carbamoyl groups having the formula: -CONR<sub>6</sub>R<sub>7</sub>,

the substituents from group 2 are selected in the group consisting of sulfonic acid (SO<sub>3</sub>H) and sulfonamide groups having the formula: -SO<sub>2</sub>NR<sub>6</sub>R<sub>7</sub>,

with R<sub>5</sub> and R<sub>6</sub>, which are the same or different, representing a hydrogen atom or an alkyl group having from one to seven carbon atoms possibly substituted by at least one group of type 1 or 2,

with the exception of compounds represented by formula (I) in which:

$X_2$  represents a hydrogen atom and  $X_1$  represents -G1R1 where G1 represents an oxygen atom and R1 represents CH<sub>2</sub>COOH, and  
the optical and geometrical isomers, racemates, tautomers, salts and mixtures thereof.

Claim 39. (Cancelled)

Claim 40. (Cancelled)

Claims 41 and 42. (Cancelled)

43. (Currently Amended) The composition according to claim 38-or-39, wherein both G1 and G4 represent an oxygen-sulfur atom.

Claims 44-47. (Cancelled)

48. (Currently Amended) The composition according to claim 38-or-39, wherein X1 is a -G1-R1 group in which G1 is an oxygen atom and R1 is an unsubstituted alkyl group containing from two to seven carbon atoms.

49. (Currently Amended) The composition according to claim 38-or-39, wherein X1 represents a -R1 group or a group corresponding to the formula -G1-R1, where G1 represents a sulphur atom and R1 is an unsubstituted alkyl group containing one or two carbon atoms substituted by a substituent which is part of group 2 and G1.

Claims 50-54. (Cancelled)

55. (Currently Amended) The composition according to claim 38-or-39, wherein X4 is a -G4-R4 group in which G4 is an oxygen atom, and X3 and[[or]] X5 respectively represent R3 or G3R3, on the one hand, and R5 or G5R5, on the other hand, with R3 and R5 being alkyl groups having one or two carbon atoms a substituent from group 1.

Claim 56. (Cancelled)

57. (Currently Amended) The composition according to claim 38-~~or~~-39, wherein X1 represents a halogen.

Claim 58. (Cancelled)

59. (Currently Amended) The composition according to claim 38-~~or~~-39, wherein X1, X3, X4 or X5 represents -OC(CH<sub>3</sub>)<sub>2</sub>COOR<sub>5</sub> or OC(CH<sub>3</sub>)<sub>2</sub>COOR<sub>6</sub>.

60. (Currently Amended) The composition according to claim 38-~~or~~-39, wherein X1, X3, X4 represents -OC(CH<sub>3</sub>)<sub>2</sub>COOH or X5 represents SG(CH<sub>3</sub>)<sub>2</sub>COOR<sub>6</sub>.

61. (Currently Amended) The composition according to claim 38-~~or~~-39, wherein the derivative is selected in the group consisting of:

1-[2-hydroxy-4-carboxydimethylmethoxyphenyl]-3-[3,5-diterbutyl-4-hydroxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-ethyloxycarbonyldimethylmethoxyphenyl]-3-[3,5-diterbutyl-4-hydroxyphenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[3-carboxydimethylmethoxy-4-hydroxy-5-tertbutylphenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[3-isopropoxycarbonyldimethylmethoxy-4-hydroxy-5-tertbutylphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3-carboxydimethylmethoxy-4-hydroxy-5-tertbutylphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3-isopropoxycarbonyldimethylmethoxy-4-hydroxy-5-tertbutylphenyl]prop-2-en-1-one,

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1-[2-hydroxyphenyl]-3-[3-carboxydimethylmethyl-4-hydroxy-5-  
tertbutylphenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[3-isopropoxy carbonyldimethylmethyl-4-hydroxy-5-  
tertbutylphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3-carboxydimethylmethyl-4-hydroxy-5-  
tertbutylphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3-isopropoxy carbonyldimethylmethyl-4-  
hydroxy-5-tertbutylphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3,5-dimethoxy-4-  
carboxydimethylmethoxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3,5-dimethoxy-4-  
isopropoxy carbonyldimethylmethoxyphenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[3,5-dimethoxy-4-carboxydimethylmethoxyphenyl]prop-2-  
en-1-one,  
1-[2-hydroxyphenyl]-3-[3,5-dimethoxy-4-isopropoxy carbonyl-  
dimethylmethoxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-carboxydimethylmethoxyphenyl]-3-[3,5-di-methoxy-4-  
hydroxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-isopropoxy carbonyldimethylmethoxyphenyl]-3-[3,5-dimethoxy-  
4-hydroxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3,4-dihydroxy-5-  
carboxydimethylmethoxyphenyl]prop-2-en-1-one,

1-[2-hydroxy-4-chlorophenyl]-3-[3,4-dihydroxy-5-isopropoxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-carboxydimethylmethyloxyphenyl]-3-[3,5-dimethyl-4-hydroxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-isopropoxycarbonyldimethylmethyloxyphenyl]-3-[3,5-dimethyl-4-hydroxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-chlorophenyl]-3-[3,5-dimethyl-4-isopropoxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[3,5-dimethyl-4-isopropoxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[4-carboxydimethylmethyli thiophenyl]prop-2-en-1-one,  
1-[2-hydroxyphenyl]-3-[4-isopropoxycarbonyldimethylmethyli thiophenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-ethoxycarbonyldimethylmethyloxyphenyl]-3-[3,5-ditertbutyl-4-hydroxyphenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-carboxydimethylmethyloxyphenyl]-3-[4-methylthiophenyl]prop-2-en-1-one.

1-[4-chlorophenyl]-3-[3,5-dimethyl-4-  
tertbutyloxycarbonyldimethylmethoxyphenyl]prop-2-en-1-one,  
1-[4-chlorophenyl]-3-[3,5-dimethyl-4-  
isopropylmethoxycarbonyldimethylmethoxyphenyl]prop-2-en-1-one,  
1-[4-chlorophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-2-en-  
1-one,  
1-[2-hydroxyphenyl]-3-[4-carboxydimethylmethoxyphenyl]prop-2-en-1-one,  
1-[4-chloro-2-hydroxyphenyl]-3-[4-carboxydimethylmethoxyphenyl]prop-2-en-1-  
one,  
1-[4-carboxydimethylmethoxyphenyl]-3-[3,5-dimethyl-4-hydroxyphenyl]prop-2-  
en-1-one,  
1-[4-methylthiophenyl]-3-[4-carboxydimethylmethoxyphenyl]prop-2-en-1-one,  
1-[4-carboxydimethylmethoxyphenyl]-3-[4-methylthiophenyl]prop-2-en-1-one,  
1-[2-hydroxy-4-bromophenyl]-3-[3,5-dimethyl-  
4-carboxydimethylmethoxyphenyl]prop-2-en-1-one,  
1-[4-carboxydimethylmethoxyphenyl]-3-[4-methylthiophenyl]prop-2-en-1-one,  
1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-  
tertbutyloxycarbonyldimethylmethoxyphenyl]prop-2-en-1-one,  
1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-  
isopropylmethoxycarbonyldimethylmethoxyphenyl]prop-2-en-1-one,  
1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-  
2-en-1-one,

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1-[2-methoxyphenyl]-3-[3,5-dimethyl-4-tertbutyloxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-methoxyphenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[4-hexyloxyphenyl]-3-[3,5-dimethyl-4-tertbutyloxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[4-hexyloxyphenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-methyloxy-4-chlorophenyl]-3-[3,5-dimethyl-4-tertbutyloxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[2-methyloxy-4-chlorophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[4-heptylphenyl]-3-[3,5-dimethyl-4-tertbutyloxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[4-heptylphenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphenyl]prop-2-en-1-one,  
1-[4-bromophenyl]-3-[3,5-dimethyl-4-tertbutyloxycarbonyldimethylmethyloxyphenyl]prop-2-en-1-one,  
and  
1-[4-bromophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethyloxyphenyl]prop-2-en-1-one.

62. (Currently Amended) The composition according to claim 38-~~or~~39, wherein the derivative is selected in the group consisting of:

1-[4-chlorophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-2-en-1-one.

1-[4-methylthiophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-2-en-1-one.

1-[4-hexyloxyphenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-2-en-1-one, and

1-[4-bromophenyl]-3-[3,5-dimethyl-4-carboxydimethylmethoxyphenyl]prop-2-en-1-one.

63. (Cancelled)

64. (Cancelled)

65. (Currently Amended) The composition according to claim 38-er-39, wherein said composition is aimed for the treatment of a pathology related to deregulations of lipid and/or glucose metabolism..

66. (Cancelled)

67. (Cancelled)

68. (Withdrawn – Currently Amended) A method of treatment of pathologies related to deregulations of lipid and/or glucose metabolism comprising administering to a subject a composition as defined in claim 38-er-39.

69. (Withdrawn – Currently Amended) A method for the treatment of diabetes, atherosclerosis or obesity comprising administering to a subject a composition according to claim 38-er-39.

The teleconference with the Examiner on or about August 3, 2009 is acknowledged, with appreciation. The undersigned understood the Examiner to advise during the teleconference that with the filing of the attached Terminal Disclaimer, the

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search would be expanded to include additional species and that any further rejection would be made in a non-final Office Action. The attached Terminal Disclaimer is filed without prejudice and to advance prosecution.

Entry and consideration of the present Response and the attached Terminal Disclaimer, withdrawal of the remaining obviousness-type double patenting rejection of claims 69, 70, 74, 77, 80, 85-87, 92, 93, 96, 97, 99, 101 and 102 over claims 19, 30, 31 and 34-38 of U.S. Application No. 10/585,329, which issued as U.S. Patent No. 7,547,729, and a Notice of allowance are requested.

The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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